

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

UNITED STATES' ASSENTED TO MOTION TO ADMIT
ROBERT GOOCH'S DEPOSITION TRANSCRIPT INTO EVIDENCE
PURSUANT TO RULE 32(a)(3)(C) & (D)

The United States, by its undersigned counsel, hereby moves this Court to admit into evidence the deposition transcript of Robert Gooch's February 2, 2005 deposition. As grounds for its motion, the United States asserts that (1) Mr. Gooch is unable to attend the trial scheduled for November 16, 2005 pursuant to Federal Rule of Civil Procedure 32(a)(3)(C) as he is recovering from orthopedic surgery in a rehabilitation center; and (2) because of Mr. Gooch's infirmity the United States has been unable to procure the attendance of Mr. Gooch by subpoena pursuant to Federal Rule of Civil Procedure 32(a)(3)(D). A declaration of Constable Francis Davis is attached hereto as Exhibit 1, along with a memorandum of law. Mr. Moore has indicated his assent to this motion.

As a result, the United States requests that this Court allow the admission of Mr. Gooch's complete deposition transcript, with exhibits, as Defendant's Exhibit 2.

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by Federal Express on

11/15/05 - Lydia Bottome Turanchik

RESPECTFULLY SUBMITTED,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Lydia Bottome Turanchik
LYDIA BOTTOME TURANCHIK
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6560
Lydia.D.Bottome@usdoj.gov